



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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B-179741

January 28, 1974

Mr. William G. Dodds
Authorized Certifying Officer
National Oceanic and Atmospheric Administration
U. S. Department of Commerce
Rockville, Maryland 20852

BEST COPY AVAILABLE

Dear Mr. Dodds:

We refer to your letter dated September 19, 1973, reference AD53, in which you enclose the travel voucher of Federico A. Gonzales for \$208.90 and ask for an advance decision as to the propriety of certifying it for payment.

The record indicates that Mr. Gonzales was authorized reimbursement of relocation expenses by Travel Order No. 2-WFS-0620 dated July 20, 1971, and Amendment No. 1 dated November 22, 1971, transferring him from Brownsville, Texas, to Miami, Florida. Mr. Gonzales reported for duty at his new official station on August 9, 1971. He took certain steps to purchase a residence at his new official duty station prior to May 20, 1972, but the contract for the purchase of such residence was actually entered into and signed on September 5, 1972, more than one year after he reported for duty at his new official duty station.

You state that under the provisions of section 4.1e of Office of Management and Budget Circular No. A-56, applicable at the time of his request, Mr. Gonzales was denied an extension of time within which to purchase his residence and claim reimbursement for the expenses in connection therewith. However, in view of the liberalization of the provisions of section 4.1e effective October 28, 1972, which authorizes heads of agencies or their designees to grant extensions of the one-year period when they are justified, you ask if this could properly be done in Mr. Gonzales' case and whether or not under the circumstances you may certify the voucher for payment.

Mr. Gonzales' initial one-year period, within which he could purchase his residence, expired on August 9, 1972. By that date he had not entered into a valid contract for the purchase of his residence

[Propriety of Reimbursement of Relocation Expenses]

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and he was not engaged in litigation in connection therewith so that an extension of the one-year period could be granted under the then applicable regulations. As to the effect of the October 28, 1972 amendment to the regulations, 37 F.R. 23128, we have held that such amendment is prospective in nature and can not be applied retroactively. See B-176586, March 12, 1973, copy enclosed.

Accordingly, the head of your agency has no authority to approve an extension in this case and the voucher which is returned herewith may not be certified for payment.

Sincerely yours,

R.F.KELLER

Deputy

Comptroller General
of the United States

Enclosures - 2

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